

Security Clearance Practice for UAP Witnesses, Experiencers, and Researchers

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Key points

- For most cleared UAP insiders the clearance is the thing most at risk, and the clearance proceeding is where the matter is decided. Courts will not review the merits (*Egan*), so the record built in the agency proceeding is usually the whole case.
 - Contractor employees go to the Defense Office of Hearings and Appeals under DoD Directive 5220.6: an answer to the Statement of Reasons is due within 20 days, a notice of appeal within 15 days of the decision, and the appeal brief within 45 days. Federal employees have the narrower procedures of Executive Order 12968 §5.2.
 - The SF-86 asks about mental health only in five specific ways (Section 21). Reporting an unusual experience to a therapist does not by itself require a “yes,” and SEAD 4 forbids any negative inference “solely on the basis of mental health counseling.”
 - Candor (Guideline E) is the guideline most often lost. A client who minimizes an experience or an outside activity on the form or in an interview creates a worse problem than the underlying fact.
 - Volunteer work for a UAP research organization that publishes on defense or intelligence topics falls within Guideline L ¶37(a)(4) and must be reported where reporting is required.
 - A clearance action that follows a protected disclosure is reprisal; raise it in the clearance proceeding and preserve it for 50 U.S.C. §3341(j) ([Issue C1](#)).
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1. Summary

People who hold clearances and know something about UAP programs, or who have had experiences they cannot explain, often stay silent because they fear losing the clearance. Their fear is reasonable. A clearance is a condition of employment for most of them, revocation is reviewed only inside the executive branch, and the standard resolves doubts against the individual. Jay Stratton, a former director of the Navy’s UAP Task Force, describes his wife keeping an experience at their home to herself because she feared that if it became known he would be thought unstable

and lose his clearance (Stratton, *Out of the Shadows* ch. 20 (2026)). His account is the author's own, but the reaction it describes is common.

This analysis covers the adjudicative standard, the procedures for contractor and federal employees, the guidelines that matter in UAP cases, and how to prepare. It builds on [Issue C4](#), which covers the representation itself, and [Issue C1](#), which covers reprisal.

2. The standard and who decides

Executive discretion. The grant of a clearance is a discretionary judgment committed to the executive branch. *Department of the Navy v. Egan*, 484 U.S. 518, 527-29 (1988). The D.C. Circuit holds that constitutional challenges to clearance denials and revocations are nonjusticiable, distinguishing *Webster v. Doe*, 486 U.S. 592, 603 (1988), which allowed colorable constitutional claims against a security-related firing. *Lee v. Garland*, 120 F.4th 880, 887-88, 895 (D.C. Cir. 2024). The Fourth Circuit likewise holds that courts lack jurisdiction over a revocation absent a specific congressional mandate, and treats conclusory constitutional allegations as attempts to reach the merits. *Hegab v. Long*, 716 F.3d 790, 794-97 (4th Cir. 2013). The Third Circuit reads *Egan* and *Webster* together and will hear a constitutional claim about a revocation while declining to review its merits. *El-Ganayni v. U.S. Department of Energy*, 591 F.3d 176, 182-85 (3d Cir. 2010) (First Amendment retaliation claim heard and rejected). Two other openings remain in the D.C. Circuit. Procedural challenges to a summary revocation can proceed. *Zaid v. Executive Office of the President*, 815 F. Supp. 3d 113 (D.D.C. 2025), appeal pending, No. 26-5009 (D.C. Cir., argued May 14, 2026). A Title VII claim can reach coworkers who referred knowingly false information to security officials, because the bar covers only the security adjudicators' own decisions. *Rattigan v. Holder*, 689 F.3d 764, 768-71 (D.C. Cir. 2012). For a UAP witness reported to security by a colleague, the *Rattigan* theory is the one route into court that does not depend on reviewing the clearance decision itself.

The adjudicative guidelines. Security Executive Agent Directive 4 (June 8, 2017) sets the national security adjudicative guidelines for all agencies. The adjudicator weighs “[a]ll available, reliable information about the person, past and present, favorable and unfavorable” (the “whole-person concept”), and “[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security.” SEAD 4, App. A ¶2(a)-(b). The thirteen guidelines (A through M) each state a concern, disqualifying conditions, and mitigating conditions.

The Bond Amendment. For special access programs, Restricted Data, and SCI, an agency may not grant or renew a clearance for a person who “is mentally incompetent, as determined by an adjudicating authority, based on an evaluation by a duly qualified mental health professional employed by, or acceptable to and approved by, the United States Government,” absent a written waiver. 50 U.S.C. §3343(c)(1)(C), (c)(2). The standard is incompetence, a high bar that ordinary counseling and treatment do not approach.

3. Procedures

3.1 Contractor employees: DOHA

Industrial clearances are adjudicated under DoD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (incorporating Change 4, Apr. 20, 1999), Enclosure 3.

1. **Statement of Reasons.** No unfavorable decision may be made without a written SOR “as detailed and comprehensive as the national security permits” (§E3.1.3).
2. **Answer.** The applicant must answer under oath, admitting or denying each allegation; “[a] general denial or other similar answer is insufficient.” The answer must be received within 20 days of receipt of the SOR, and a hearing must be requested in the answer (§E3.1.4). Extensions require good cause. A late or unresponsive answer allows DOHA to stop processing and revoke the clearance (§E3.1.5).
3. **Written record or hearing.** Without a hearing request, the case is decided on the written record; the applicant receives the government’s file and has 30 days to respond (§E3.1.7). With a hearing, the applicant gets at least 15 days’ notice, appears in person, and may have counsel (§E3.1.8).
4. **Appeal.** A notice of appeal to the DOHA Appeal Board is due within 15 days after the administrative judge’s decision (§E3.1.28), and the appeal brief within 45 days of the decision (§E3.1.30). The Board receives no new evidence (§E3.1.29), so everything the client needs must be in the record below.

Request a hearing. A hearing lets the judge assess credibility, which is decisive in experiencer and candor cases. A written-record case is decided on the government’s file and the applicant’s paper response.

3.2 Federal employees: Executive Order 12968 §5.2

Federal employees and applicants found not to meet the standards are entitled to a written explanation “as comprehensive and detailed ... as the national security interests ... permit”; within 30 days on request, the documents on which the decision is based; notice of the right to counsel at their own expense and to request the entire investigative file before replying; a written reply and review; written notice of the result; an appeal in writing to a panel of at least three members, two from outside the security field; and an opportunity to appear personally at some point in the process. Exec. Order No. 12968 §5.2(a)(1)-(7) (1995), *reprinted in* 50 U.S.C. §3161 note. The section “creates no procedural or substantive rights” (§5.2(c)), and an agency head may withhold a procedure by certifying that it would reveal classified information (§5.2(d)). Each agency’s implementing regulation sets its deadlines; read it on the day the notice arrives.

3.3 Intelligence community and reprisal

An intelligence community employee who believes a clearance action was taken in reprisal for a protected disclosure uses the §3341(j) process: an agency appeal within 90 days of notice, then an appeal to the DNI within 60 days of the final agency decision ([Issue C1](#) §4.1). The reprisal claim and the merits defense should be presented together, because the agency will find no violation if it shows by a preponderance of the evidence that it would have acted anyway.

3.4 Continuous vetting

Most clearance holders are now enrolled in continuous vetting, which runs automated record checks between investigations. A client's public statements, social media, travel, and arrests can generate an alert at any time, and self-reporting obligations continue. The practical effect is that a client who begins speaking publicly about UAP should expect the security office to learn of it promptly and should report outside activities before the office asks.

4. The guidelines in UAP cases

4.1 Psychological conditions (Guideline I) and experiencers

What the SF-86 asks. Section 21 of the SF-86 (rev. Nov. 2016) asks five questions: whether a court or administrative agency has ever declared the applicant mentally incompetent (21A) or ordered consultation with a mental health professional (21B); whether the applicant has ever been hospitalized for a mental health condition (21C); whether the applicant has ever been diagnosed with psychotic disorder, schizophrenia, schizoaffective disorder, delusional disorder, bipolar mood disorder, borderline personality disorder, or antisocial personality disorder (21D); and whether the applicant has a condition that “substantially adversely affects” judgment, reliability, or trustworthiness (21E). The form’s own preface states that “[m]ental health treatment and counseling, in and of itself, is not a reason to revoke or deny eligibility.” A client who saw a therapist after an unusual experience, without a listed diagnosis, hospitalization, or order, answers “no” to 21A through 21D and answers 21E on the facts.

What SEAD 4 says. The concern is that “[c]ertain emotional, mental, and personality conditions can impair judgment, reliability, or trustworthiness,” and “[a] formal diagnosis of a disorder is not required.” But “[n]o negative inference concerning the standards in this guideline may be raised solely on the basis of mental health counseling.” SEAD 4, App. A §27. The disqualifying conditions include “behavior that casts doubt on an individual’s judgment, stability, reliability, or trustworthiness ... including ... bizarre behaviors” (§28(a)) and an opinion by a qualified mental health professional that the individual has a condition that may impair judgment (§28(b)).

Experiencer reports. Reporting an observation of an object, or an experience the client cannot explain, is not “bizarre behavior.” Many credible observers, including military aircrew, have made such reports, and Congress has created reporting channels for them (50 U.S.C. §§3373, 3373b). The risk arises when the account is presented without context, or when the client’s description in an interview differs from the written record. Counsel’s task is to present the experience as an observation reported by a stable person with an ordinary work and personal history.

Mitigation. The mitigating conditions include a recent favorable opinion by a mental health professional “employed by, or acceptable to and approved by, the U.S. Government” (§29(c)), a temporary condition that has resolved (§29(d)), and “no indication of a current problem” (§29(e)). If Guideline I is raised, obtain an evaluation by a professional the government will accept, and ask in advance which professionals the agency accepts.

What the Appeal Board has held. A DOHA judge “is neither compelled to accept a DoD-required psychologist’s diagnosis of an applicant nor bound by any expert’s testimony or report,” and may

give more weight to a treating psychologist who saw the applicant often and recently than to the uncorroborated opinions of earlier providers and of the government’s evaluator. ISCR Case No. 19-00151, 2019 WL 8268343, at 7 (*App. Bd. Dec. 10, 2019*) (*grant affirmed*). *A judge who fails to discuss the applicant’s mitigating evidence errs, and the decision will be remanded.* ISCR Case No. 20-02097, 2024 WL 4351699, at 3-4 (*App. Bd. Feb. 13, 2024*). The same decision shows the cost of silence: the applicant there presented no expert testimony or evaluation to rebut the government psychologist’s diagnosis, and the Board found the disqualifying condition established.

Service members. A referral for a mental health evaluation as reprisal for a protected communication is forbidden (DoD Instruction 6490.04 ¶3.e) and is itself a reprisal under DoD’s whistleblower directive ([Issue C1](#) §4.2).

4.2 Personal conduct and candor (Guideline E)

Guideline E is concerned with “lack of candor” and dishonesty, and a refusal “to provide full, frank, and truthful answers to lawful questions of investigators” will “normally result in an unfavorable” determination. SEAD 4, App. A ¶15(b). In UAP cases the candor problem usually arises from minimization: a client who denies or understates an experience, a foreign contact at a UAP conference, or an outside activity, and is later contradicted by a social media post or a podcast appearance. Prepare the client to answer completely and calmly, and correct any earlier omission in writing before the interview.

When the Statement of Reasons alleges a deliberate falsification and the applicant denies it, the government bears the burden of proof, and “[p]roof of an omission, standing alone, does not establish or prove” the applicant’s intent; the judge must look at the record as a whole for direct or circumstantial evidence of the applicant’s state of mind. ISCR Case No. 22-00381, 2024 WL 3913933, at 5 (*App. Bd. Mar. 12, 2024*) (*citing ISCR Case No. 02-23133, 2004 WL 2152744, at 4* (*App. Bd. June 9, 2004*)). An honest misreading of Section 21’s narrow questions is a defense; an answer that was knowingly false is not.

4.3 Handling protected information (Guideline K)

The disqualifying conditions include “deliberate or negligent disclosure of protected information to unauthorized persons, including ... the media” (¶34(a)) and storing protected information in an unauthorized place (¶34(b)). A disclosure through the AARO mechanism, an inspector general, or the committees is to authorized recipients and should not be charged under Guideline K; a disclosure on a podcast or to an author is. When a Guideline K allegation rests on a public statement, the defense is usually that the information was already officially acknowledged or was not classified, and the record of official acknowledgments ([Issue B1](#)) becomes evidence in the clearance case.

4.4 Outside activities (Guideline L)

Guideline L is concerned with outside activities that pose “a conflict of interest with an individual’s security responsibilities and could create an increased risk of unauthorized disclosure” (¶36). The disqualifying conditions include “any employment or service, whether compensated or volunteer, with ... any foreign, domestic, or international organization or person engaged in analysis, discussion, or publication of material on intelligence, defense, foreign affairs, or protected

technology” (§37(a)(4)), and “failure to report or fully disclose an outside activity when this is required” (§37(b)). A cleared engineer who volunteers as an analyst for a UAP research organization, cohosts a podcast that discusses defense programs, or advises a documentary is within §37(a)(4). The activity is not forbidden, but it must be reported where the agency requires reporting, and it should be structured to avoid any overlap with the client’s program.

4.5 Foreign influence (Guideline B)

International UAP conferences and online communities bring cleared people into contact with foreign nationals, some of whom represent foreign government programs ([Issue F6](#)). Report foreign contacts as the agency requires, and advise clients that a foreign researcher’s interest in their work is itself reportable in many programs.

4.6 The working premise

The site assumes that AARO is part of the concealment. For a cleared client that has two consequences. First, a disclosure to AARO may reach the program the client is reporting on, and a clearance action may follow; prepare the reprisal record from the first day ([Issue C1 §2](#)). Second, AARO’s public denials should not be treated by the client as a reason to doubt their own account in an interview; the adjudicator judges the client’s stability and candor, and AARO’s view of the underlying event is not part of that test.

5. Preparing the case

1. **Get the file.** Request the investigative file under the Privacy Act and FOIA from the Defense Counterintelligence and Security Agency or the investigating agency, and the documents underlying the decision under EO 12968 §5.2(a)(2)-(3) ([Issue C4 §3.2](#)).
 2. **Answer every allegation.** In a DOHA case, admit or deny each SOR allegation specifically, with explanation, and request a hearing in the answer.
 3. **Build the whole-person record.** Performance evaluations, awards, supervisors’ letters, and character witnesses who know the client’s work.
 4. **Address Guideline I with evidence.** If the SOR raises a psychological condition, obtain an evaluation by a government-acceptable professional before the hearing.
 5. **Correct omissions first.** Any earlier inaccuracy on an SF-86 or in an interview should be corrected in writing, with an explanation, before the government raises it.
 6. **Raise reprisal.** If the action followed a protected disclosure, say so in the answer and preserve the claim for §3341(j) or the applicable reprisal forum ([Form C1-2](#)).
 7. **Keep classified facts out of the papers.** The answer and briefs must be unclassified; offer classified details through the security office.
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6. Deadlines

Step	Period	Authority
Answer to DOHA Statement of Reasons	20 days from receipt	DoDD 5220.6 ¶E3.1.4
Response to file in a written-record case	30 days from receipt of the file	¶E3.1.7
Notice of hearing	At least 15 days before the hearing	¶E3.1.8
Notice of appeal to the DOHA Appeal Board	15 days after the decision	¶E3.1.28
Appeal brief	45 days after the decision	¶E3.1.30
Documents on which a federal denial is based	Within 30 days of a request	EO 12968 §5.2(a)(2)
IC clearance reprisal appeal	90 days after notice; DNI appeal 60 days after the final agency decision	50 U.S.C. §3341(j)